

DOCKET NO: 212768US6

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF : DATE ALLOWED: JANUARY 14, 2008  
TAKANORI NISHIMURA, ET AL. : EXAMINER: MEUCCI, MICHAEL D.  
SERIAL NO: 09/930,135 :  
FILED: AUGUST 16, 2001 : GROUP ART UNIT: 2142  
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**PETITION UNDER 37 C.F.R §1.181**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants respectfully petition in accordance with 37 CFR §1.181(a)(3) that the IDS/Lists of Related Cases filed on November 21, 2001, December 10, 2001 and July 15, 2002 be considered by the Examiner and that the above mentioned Lists of Related Cases forms be signed and returned indicating a consideration of the related cases listed on the forms.

**STATEMENT OF FACTS**

Subsequent to the Notice of Allowance mailed on January 14, 2008, applicants' representative, Fred L. Braun, while performing a post allowance review of the file, discovered that the IDS/List of Related Cases filed on November 2, 2001, December 10, 2001 and July 15, 2002 were not considered or commented on by the examiner in any of the previous Office Communications. Upon reviewing the Image File Wrapper on Private PAIR, applicants' representative discovered that there is no record of the List of Related Cases filed

on July 15, 2002 but that the Lists of Related cases filed on November 21, 2001 and December 10, 2001 can be found in PAIR. A first action on the merits of the subject application was not mailed until December 8, 2004. Accordingly, applicants submit that the above mentioned IDS/Lists of Related Cases meet the minimum requirements of 37 C.F.R. §1.97 and 37 C.F.R. §1.98.

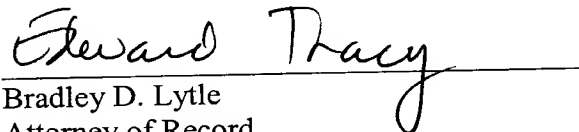
A copy of the above-mentioned IDS/List of Related Cases filed on July 15, 2002 and its associated date-stamped mail room filing receipt is attached hereto. It is respectfully submitted that a copy of the date-stamped mail room filing receipt and a copy of the IDS/List of Related Cases filed on November 21, 2001 and December 10, 2001 is not necessary since they can be found in PAIR.

**ACTION REQUESTED**

It is respectfully requested that the Examiner be supplied with the application file so that he may provide Applicants with copies of the above-noted IDS/Lists of Related Cases indicating proper consideration of the listed related cases.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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